

## **Land Use, Parks and Environment Committee - November 18, 2003**

The meeting was called to order at 8:34 a.m. by Chair Kolb.

**Present:** Chair Walter Kolb, County Board Supervisors Pauline Jaske, James Jeskewitz, William Mitchell, Daniel Pavelko (arrived at 8:35 a.m.), Vera Stroud (arrived at 8:42 a.m.), Scott Klein

**Staff Present:** Legislative Policy Advisors Mark Mader and Dave Krahn, Legislative Associate Sandra Meisenheimer

**Also Present:** Parks and Land Use Director Dale Shaver, Planning & Zoning Mgr. Dick Mace, Senior Planner Kathy Moore, County Executive Chief of Staff Allison Bussler

**Public Present:** Mary Sue and Tim Grafof Pewaukee (developer for ZT-1495 - Town of Delafield); Randy Melody of Harmony Homes, Inc. of Waukesha, Dick Nowackiof Pewaukee

### **Approve Minutes of October 21, 2003**

**Motion:** Jeskewitz moved, second by Mitchell, to approve the minutes of 10/21/03. **Motion carried 5-0.**

Pavelko arrived at the meeting.

### **Read Correspondence/Meeting Approvals**

Kolb referred to information on the NR 115 Listening Sessions being held from November 11 to December 11, 2003 at various locations.

**Motion:** Mitchell moved, second by Jeskewitz, to approve attendance to the December 11, 2003 Listening Session in Waukesha at the Courthouse. **Motion carried 6-0.**

### **Executive Committee Report**

Kolb reviewed items that were discussed and/or considered at the last Executive Committee meeting on 11/17/03.

Stroud arrived at the meeting.

**Consider Proposed Ordinance: 158-O-067 Amend the District Zoning Map of the Town of Delafield Zoning Ordinance by Conditionally Rezoning Certain Lands Located in Part of the SW<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 36, T7N, R18E, Town of Delafield, from the A-1 Agricultural District to the A-2 Rural Home District (ZT-1495) - ( *Referred back to committee by a vote of 26-7 at the County Board Meeting of 10/14/03* )**

Mace said this ordinance was sent back to the Town of Delafield for additional language, as requested by the LUPE Committee, which stated: "Any division of land beyond four lots having access to the private drives shall only be allowed after C.T.H. "G" is upgraded to alleviate safety concerns or access is made available through adjacent lands." At the Town Board meeting of 10/28/03, they considered the referral and adopted a new ordinance, which added the language requested by the LUPE Committee.

**Motion:** Stroud moved, second by Mitchell, to approve the language added to the second condition: "Any division of land beyond four lots having access to the private drives shall only be allowed after C.T.H. "G" is upgraded to alleviate safety concerns or access is made available through adjacent lands." **Motion carried 7-0.**

**Motion:** Mitchell moved, second by Jaske, to approve Ordinance 158-O-067 as revised. **Motion carried 7-0.**

**Consider Proposed Ordinance: 158-O-094 Amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance, by Conditionally Rezoning Certain Lands Annexed by the City of Waukesha, Located in Part of the SW ¼ of Section 29 and the NW ¼ of Section 32, T7N, R19E, from the A-2 Rural Home and C-1 Conservancy District to the R-3 Residential and C-1 Conservancy Districts (SCZ-1368A)**

Mace explained the rezoning which is proposing residential, condominium subdivision and apartment development with two stream crossings of the Conservancy land to accommodate access streets.

It was pointed out that 50' should be changed to 15' in Line 70 of the ordinance and in Condition No. 6 on Page 7 of the Staff Report and Recommendation. Mace said this was basically a typo. Revised white copies will be forwarded with the County Board agenda of November 25, 2003. The Planning staff is recommending that this request to rezone the lands located along Pebble Creek and its tributary in the City of Pewaukee be approved as conditioned and outlined in the Staff Report and Recommendation.

**Motion:** Pavelko moved, second by Jeskewitz, to approve Ordinance 158-O-094. **Motion carried 7-0.**

**Consider Proposed Ordinance: 158-O-098 Amend the District Zoning Map of the Town of Mukwonago Zoning Ordinance by Conditionally Rezoning Certain Land Located in Part of the SW ¼ of Section 10, T5N, R18E, Town of Mukwonago, Waukesha County, Wisconsin, from the SE Suburban Estate District to the R-1 Residential District (ZT-1504)**

Mace and Moore were present. The property being rezoned is over five acres in size and the applicant is proposing to divide it into a three-acre parcel, which will contain the single-family residence and a two-acre parcel to the west where a horse shed is located which will be removed. As conditioned by the Town and allowing no more than the two parcels on the 5.076-acre parcel, the density proposed is one unit for 2.5 acres and could be considered a transition area between the adjacent one-acre lots and the five-acre lot to the north. The Planning staff is recommending approval in accordance with the conditions as outlined in the ordinance and Exhibit A. The proposed zoning is to Conditional R-1 Residential District, allowing one-acre minimum lot sizes.

There was a long discussion regarding this rezoning being approved before the County Development Plan amendment process taking place. Moore said the County Development Plan is seen as a guide and other development in the area are all one-acre lots on the Town's plan. Kolb stated if the Town is for it, the Planning staff is for it, the Park and Planning Commission had no problems with it, and there is no major reason to deny it, then it is better to cooperate and let it go forward. Jaskes said her concern is that the County Development Plan is only seen as a guide. She asked when "smart growth" takes effect, will it be more than a guide? Mace replied yes, it will be adopted by ordinance. Jaskewas also concerned with the word "may" in Section 2.B. of the Town ordinance and indicated it should be changed to "shall".

**Motion:** Jaskemoved, second by Mitchell, to refer Ordinance 158-O-098 back to the Town of Mukwonago and encourage that the rezoning petition be coordinated with the County Development Plan amendment process. **Motion carried 7-0.**

**Consider Proposed Ordinance: 158-O-099 Amend the Town of Genesee District Zoning Map**

**oftheWaukeshaCountyZoningCodefortheTownofGeneseebyConditionallyRezoning CertainLandsLocatedinPartoftheNE<sup>1</sup>/<sub>4</sub>ofSection22andtheSE<sup>1</sup>/<sub>4</sub>ofSection15,T7N, R18E,TownofGenesee,fromtheA-2RuralHomeDistricttotheR-1ResidentialandEC EnvironmentalCorridorDistricts(CZ-1498)**

Macewaspresent.Theproposedzoningwillallowone-acreminimumlotsizes.Athirteen-lot developmentisbeingproposedwiththelevenofthelotsbeinglocatedonashortcul-de-saonthesouthwestcorneroftheproperty.Thelotsareapproximately1.2acresinsizewithonebeing15 acres,whichcontainsPrimaryEnvironmentalCorridoronitseastendincludingwetlands.The remainingportionoftheproperty,whichisproposedtobeconditionallyrezoned,willcontinuetobeone,three-acrelot.Thelarge30-acreparcelincludesanarea,whichisleasedtotheWernValley Sportsman'sClubaspartoftheirhuntingcluboperationandprovidesabufferfromtheone-acre subdivisionlotstothewest.Nocommonopenspaceisinvolvedwiththisdevelopment.The Planningstaffisrecommendingapprovalsubjecttoineconditionsasoutlinedintheordinance.

**Motion:** Jaskemoved,secondbyJeskewitz,toapproveOrdinance158-O-099. **Motioncarried 7-0.**

**ConsiderProposedOrdinance:158-O-100AmendtheDistrictZoningMapoftheWaukesha CountyShorelandandFloodlandProtectionOrdinanceandtheWaukeshaCountyZoning Code,fortheTownofVernon,byConditionallyRezoningCertainLandsLocatedinPartof theS<sup>1</sup>/<sub>2</sub>oftheSE<sup>1</sup>/<sub>4</sub>ofSection7,theW<sup>1</sup>/<sub>2</sub>oftheNW<sup>1</sup>/<sub>4</sub>Section17,theNE<sup>1</sup>/<sub>4</sub>oftheNE<sup>1</sup>/<sub>4</sub>of Section18andtheN<sup>1</sup>/<sub>2</sub>oftheNW<sup>1</sup>/<sub>4</sub>ofSection18,T5N,R19E,TownofVernon,fromtheA-5 MiniFarmandRRD-5RuralResidentialDensity5DistrictstotheR-1ResidentialDistrict (SZT-1497)**

MaceexplainedtherezoningrequestwhichwillrezonetheA-5Mini-FarmDistrictandRRD-5 RuralResidentialDensity-5DistricttotheR-1ResidentialDistricttoallowthedevelopmentof twenty-one(21)singlefamilyresidentiallots.Thetotalareainvolves108acresofwhich approximately64acresarebeingconsideredfortherezoning.ThePlanningstaffisrecommending approvalsubjecttooneconditionasoutlinedintheordinance.

**Motion:** Stroudmoved,secondbyPavelko,toapproveOrdinance158-O-100. **Motioncarried 7-0.**

**DiscussandConsiderStateLegislation**

KrahnandShaverdiscussedthefollowingbillswiththecommittee:AB136-allowscreationof chartertownsandallowstownboardtoreateaTIFdistrict;AB437-grantstownslimited authoritytoreateTIFs;AB506-changestonavigablewaterdefinitions;AB551-providesfor townboardapprovalofamendmentstoCountyDevelopmentPlan;AB608-amends“smart growth”statutes;andSB110-authorizesatowntoadoptanofficialmapandrequiresinclusionin CountyDevelopmentPlan.Krahnsaidthesebillswhereforwardedtothiscommitteefromthe ExecutiveCommitteeforinformationalpurposes.

**Motiontoadjourn:** Jaskemoved,secondbyKlein,toadjournthemeetingat11:30a.m.Motion carried7-0.

Respectfullysubmitted,

/sm

PaulineT.Jaske  
Secretary